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Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03
NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 VO-03
SCA-01 PPT-01 IO-13 ACDA-07 /083 W
----------171745Z 067963 /43
R 171711Z JAN 77
FM USMISSION USBERLIN
TO AMEMBASSY BONN
INFO SECSTATE WASHDC 3827
AMEMBASSY BERLIN UNN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION USNATO

C O N F I D E N T I A L USBERLIN 0170

E.O.11652: GDS
TAGS: PFOR, PGOV, WB, GE, GW, UR
SUBJECT: ANSWER TO SOVIET PROTEST ON VISA REQUIREMENT FOR EAST EUROPEANS

REFS: A) USBERLIN 131, B) BONN 659, C) USBERLIN 159

1. SUMMARY: SUBJECT TO A FRENCH EMBASSY BONN CONCURRENCE, ALLIED MISSIONS HAVE AGREED ON TEXT OF CHAIRMAN POLAD REPLY TO SOVIET PROTEST AGAINST REQUIREMENT THAT PRIVATE SOVIET AND EAST EUROEPANS OBTAIN FRG VISA TO RESIDE IN WESTERN SECTORS OF BERLIN FOR MORE THAN 31 DAYS. END SUMMARY.

2. FOLLOWING IS TEXT OF RESPONSE, WHICH HAS BEEN APPROVED BY USBER AND BRITISH MISSION AND ON WHICH FRENCH MISSION IS CONSULTING WITH ITS EMBASSY. BEGIN TEXT:

ON 2 NOVEMBER YOU QUESTIONED WITH THE CHAIRMAN POLITICAL ADVISER THE REQUIREMENT THAT CITIZENS OF SOVIET AND
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EASTERN EUROPEAN COUNTRIES MUST OBTAIN AN FRG VISA BEFORE STAYING OR WORKING IN THE WESTERN SECTORS OF BERLIN. YOU MENTIONED IN PARTICULAR THE CASE OF THE NEWLY APPOINTED HEAD OF THE MALEV OFFICE IN THE WESTERN SECTORS, AND ALSO A GROUP OF POLISH WORKERS WHO HAVE COME TO INSTALL EQUIPMENT.
THE LEGAL REQUIREMENT FOR FOREIGN NATIONALS TO

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OBTAIN A VISA ISSUED BY AN FRG DIPLOMATIC OR CONSULAR
ESTABLISHMENT BEFORE ENTERING THE FRG OR BERLIN IS SET
OUT IN THE FEDERAL AUSLANDERGESETZ OF 1965. SECTION 5
OF THE ORDINANCE OF 12 MARCH 1969 WHICH IMPLEMENTED
THIS LAW, PROVIDES THAT CERTAIN NATIONALS, INCLUDING
THOSE OF HUNGARY, POLADN AND OF THE SOVIET UNION AS
WELL AS THOSE OF MANY OTHER STATES, MUST OBTAIN A
RESIDENCE PERMIT IN THE FORM OF A VISA BEFORE ENTRY TO
THE AREA OF APPLICATION OF THE LAW. THE LAW AND THE
ORDINANCE WERE APPLIED TO THE WESTERN SECTORS WITH THE
APPROVAL OF THE ALLIED AUTHORITIES PURSUANT TO
ESTABLISHED PROCEDURES CONFIRMED IN THE QUADRIPARTITE
AGREEMENT OF 3 SEPTEMBER 1971. THE FRG'S RIGHT TO
ISSUE VISAS FOR ENTRY TO BERLIN ALSO RESTS ON A DELEGATED
AUTHORITY FROM THE ALLIES, GRANTED AS LONG AGO AS
1951. THE QUADRIPARTITE AGREEMENT OF 3 SEPTEMBER 1971
IN NO WAY AFFECTED THIS LONG STANDING PRACTICE.
IN ADDITION, BK/O(78)7 PROVIDES EXTREMELY LIBERAL
OPPORTUNITIES FOR SOVIET AND EASTERN EUROPEAN NATIONALS
TO STAY FOR UP TO 31 DAYS IN THE WESTERN SECTORS FOR
SPECIFIED PURPOSES WITHOUT FIRST OBTAINING A FEDERAL
VISA. FURTHERMORE, SOVIET VISITORS ARE PRIVILEGED
IN THAT THEY CAN APPLY FOR A RESIDENCE PERMIT ENABLING
THEM TO STAY IN THE WESTERN SECTORS UP TO THREE MONTHS
ON THE BASIS OF A VISITOR'S PERMIT OBTAINED FROM THE
ALLIED TRAVEL OFFICE - A PRIVILEGE NOT ACCORDED TO
EASTERN EUROEPAN NATIONALS.
THE CASES WHICH YOU RASIED IN 2 NOVEMBER ARE
TYPICAL EXAMPLES OF INSTANCES IN WHICH FRG VISAS ARE
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REQUIREDM. YOU WILL NO DOUBT BE AWARE THAT, AS IN
A SIMILAR CASE IN 1973, THE POLISH WORKERS ABOUT WHOM
YOU INQUIRED, ACCEPTED THE LEGAL REQUIREMENT TO
OBTAIN FEDERAL VISAS, AND DID SO AT THE EMBASSY OF THE
FRG IN WARSAW. THE NEW HEAD OF MALEV WILL HAVE TO
FOLLOW THE SAME PROCEDURE.
THE ALLIED AUTHORITIES HOPE THAT THIS EXPLANATION
WILL RESOLVE ANY CONFUSION WHICH YOU MAY HAVE HAD AND
EXPECT THAT SOVIET AND EASTERN EUROEPAN NATIONALS WILL
COMPLY FULLY WITH THE LAWS IN FORCE IN THE WESTERN
SECTORS OF BERLIN. END TEXT.

3. FRENCH EXPECT TO HAVE FORMAL CLEARANCE EARLY WEEK
OF JANUARY 17. PRECISELY WHEN RESPONSE WILL BE
DELIVERED DEPENDS, HOWEVER, UPON WHEN MISSIONS RECEIVE
AUTHORIZATION TO DELIVER PROTEST ON RECENT GDR
INTERFERENCE WITH TRANSIT TRAFFIC AND INSTRUCTIONS ON
WHETHER AND IN WHAT FORM REFERENCE SHOULD BE MADE TO
SUBJECT OF JANUARY 11 ALLIED PROTEST IN MOSCOW

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ON GDR MEASURES RELATED TO STATUS OF EAST BERLIN.
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Disposition Action: RELEASED
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Disposition Case Number: n/a
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